

Introduced by Senator Negrete McLeod

February 27, 2009

An act to amend Sections 22, 473.1, 473.15, 473.2, 473.3, 473.4, 473.6, and 9882 of, to add Sections 473.12 and 473.7 to, to repeal Sections 473.16 and 473.5 of, and to repeal and add Sections 101.1 and 473 of, the Business and Professions Code, relating to regulatory boards.

LEGISLATIVE COUNSEL'S DIGEST

SB 638, as introduced, Negrete McLeod. Regulatory boards: operations.

Existing law creates various regulatory boards, as defined, within the Department of Consumer Affairs, with board members serving specified terms of office. Existing law generally makes the regulatory boards inoperative and repealed on specified dates, unless those dates are deleted or extended by subsequent legislation, and subjects these boards that are scheduled to become inoperative and repealed as well as other boards in state government, as specified, to review by the Joint Committee on Boards, Commissions, and Consumer Protection. Under existing law, that committee, following a specified procedure, recommends whether the board should be continued or its functions modified. Existing law requires the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California to submit certain analyses and reports to the committee on specified dates and requires the committee to review those boards and hold hearings as specified, and to make certain evaluations and findings.

This bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection and would authorize the appropriate policy committees of the Legislature to carry out its duties. The bill would terminate the terms of office of each board member or bureau chief

within the department on unspecified dates and would authorize successor board members and bureau chiefs to be appointed, as specified. The bill would also subject interior design organizations, the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and the Tax Education Council to review on unspecified dates. The bill would authorize the appropriate policy committees of the Legislature to review the boards, bureaus, or entities that are scheduled to have their board membership or bureau chief so terminated or reviewed, as specified, and would authorize the appropriate policy committees of the Legislature to investigate their operations and to hold specified public hearings. The bill would require a board, bureau, or entity, if their annual report contains certain information, to post it on its Internet Web site. The bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22 of the Business and Professions Code
2 is amended to read:

3 22. (a) “Board,” as used in any provision of this code, refers
4 to the board in which the administration of the provision is vested,
5 and unless otherwise expressly provided, shall include “bureau,”
6 “commission,” “committee,” “department,” “division,” “examining
7 committee,” “program,” and “agency.”

8 (b) ~~Whenever the regulatory program of a board that is subject~~
9 ~~to review by the Joint Committee on Boards, Commissions, and~~
10 ~~Consumer Protection, as provided for in Division 1.2 (commencing~~
11 ~~with Section 473), is taken over by the department, that program~~
12 ~~shall be designated as a “bureau.”~~

13 SEC. 2. Section 101.1 of the Business and Professions Code
14 is repealed.

15 101.1. (a) ~~It is the intent of the Legislature that all existing~~
16 ~~and proposed consumer-related boards or categories of licensed~~
17 ~~professionals be subject to a review every four years to evaluate~~
18 ~~and determine whether each board has demonstrated a public need~~
19 ~~for the continued existence of that board in accordance with~~
20 ~~enumerated factors and standards as set forth in Division 1.2~~
21 ~~(commencing with Section 473).~~

1 ~~(b) (1) In the event that any board, as defined in Section 477,~~
2 ~~becomes inoperative or is repealed in accordance with the act that~~
3 ~~added this section, or by subsequent acts, the Department of~~
4 ~~Consumer Affairs shall succeed to and is vested with all the duties,~~
5 ~~powers, purposes, responsibilities and jurisdiction not otherwise~~
6 ~~repealed or made inoperative of that board and its executive officer.~~

7 ~~(2) Any provision of existing law that provides for the~~
8 ~~appointment of board members and specifies the qualifications~~
9 ~~and tenure of board members shall not be implemented and shall~~
10 ~~have no force or effect while that board is inoperative or repealed.~~
11 ~~Every reference to the inoperative or repealed board, as defined~~
12 ~~in Section 477, shall be deemed to be a reference to the department.~~

13 ~~(3) Notwithstanding Section 107, any provision of law~~
14 ~~authorizing the appointment of an executive officer by a board~~
15 ~~subject to the review described in Division 1.2 (commencing with~~
16 ~~Section 473), or prescribing his or her duties, shall not be~~
17 ~~implemented and shall have no force or effect while the applicable~~
18 ~~board is inoperative or repealed. Any reference to the executive~~
19 ~~officer of an inoperative or repealed board shall be deemed to be~~
20 ~~a reference to the director or his or her designee.~~

21 ~~(c) It is the intent of the Legislature that subsequent legislation~~
22 ~~to extend or repeal the inoperative date for any board shall be a~~
23 ~~separate bill for that purpose.~~

24 SEC. 3. Section 101.1 is added to the Business and Professions
25 Code, to read:

26 101.1. (a) Notwithstanding any other provision of law, if the
27 terms of office of the members of a board are terminated in
28 accordance with the act that added this section or by subsequent
29 acts, successor members shall be appointed that shall succeed to,
30 and be vested with, all the duties, powers, purposes,
31 responsibilities, and jurisdiction not otherwise repealed or made
32 inoperative of the members that they are succeeding. The successor
33 members shall be appointed by the same appointing authorities,
34 for the remainder of the previous members' terms, and shall be
35 subject to the same membership requirements as the members they
36 are succeeding.

37 (b) Notwithstanding any other provision of law, if the term of
38 office for a bureau chief is terminated in accordance with the act
39 that added this section or by subsequent acts, a successor bureau
40 chief shall be appointed who shall succeed to, and be vested with,

1 all the duties, powers, purposes, responsibilities, and jurisdiction
2 not otherwise repealed or made inoperative of the bureau chief
3 that he or she is succeeding. The successor bureau chief shall be
4 appointed by the same appointing authorities, for the remainder
5 of the previous bureau chief's term, and shall be subject to the
6 same requirements as the bureau chief he or she is succeeding.

7 SEC. 4. Section 473 of the Business and Professions Code is
8 repealed.

9 ~~473. (a) There is hereby established the Joint Committee on~~
10 ~~Boards, Commissions, and Consumer Protection.~~

11 ~~(b) The Joint Committee on Boards, Commissions, and~~
12 ~~Consumer Protection shall consist of three members appointed by~~
13 ~~the Senate Committee on Rules and three members appointed by~~
14 ~~the Speaker of the Assembly. No more than two of the three~~
15 ~~members appointed from either the Senate or the Assembly shall~~
16 ~~be from the same party. The Joint Rules Committee shall appoint~~
17 ~~the chairperson of the committee.~~

18 ~~(c) The Joint Committee on Boards, Commissions, and~~
19 ~~Consumer Protection shall have and exercise all of the rights,~~
20 ~~duties, and powers conferred upon investigating committees and~~
21 ~~their members by the Joint Rules of the Senate and Assembly as~~
22 ~~they are adopted and amended from time to time, which provisions~~
23 ~~are incorporated herein and made applicable to this committee and~~
24 ~~its members.~~

25 ~~(d) The Speaker of the Assembly and the Senate Committee on~~
26 ~~Rules may designate staff for the Joint Committee on Boards,~~
27 ~~Commissions, and Consumer Protection.~~

28 ~~(e) The Joint Committee on Boards, Commissions, and~~
29 ~~Consumer Protection is authorized to act until January 1, 2012, at~~
30 ~~which time the committee's existence shall terminate.~~

31 SEC. 5. Section 473 is added to the Business and Professions
32 Code, to read:

33 473. Whenever the provisions of this code refer to the Joint
34 Committee on Boards, Commissions and Consumer Protection,
35 the reference shall be construed to be a reference to the appropriate
36 policy committees of the Legislature.

37 SEC. 6. Section 473.1 of the Business and Professions Code
38 is amended to read:

39 473.1. This chapter shall apply to all of the following:

(a) Every board, as defined in Section 22, that is scheduled to become inoperative and to be repealed have its membership reconstituted on a specified date as provided by the specific act relating to the board subdivision (a) of Section 473.12.

(b) ~~The Bureau for Postsecondary and Vocational Education.~~ For purposes of this chapter, “board” includes the bureau Every bureau that is named in subdivision (b) of Section 473.12.

(c) ~~The Cemetery and Funeral Bureau~~ Every entity that is named in subdivision (c) of Section 473.12.

SEC. 7. Section 473.12 is added to the Business and Professions Code, to read:

473.12. (a) Notwithstanding any other provision of law, the term of office of each member of the following boards in the department shall terminate on the date listed, unless a later enacted statute, that is enacted before the date listed for that board, deletes or extends that date:

- (1) The Dental Board of California: January 1, ____.
- (2) The Medical Board of California: January 1, ____.
- (3) The State Board of Optometry: January 1, ____.
- (4) The California State Board of Pharmacy: January 1, ____.
- (5) The Veterinary Medical Board: January 1, ____.
- (6) The California Board of Accountancy: January 1, ____.
- (7) The California Architects Board: January 1, ____.
- (8) The State Board of Barbering and Cosmetology: January 1, ____.
- (9) The Board for Professional Engineers and Land Surveyors: January 1, ____.
- (10) The Contractors’ State License Board: January 1, ____.
- (11) The Structural Pest Control Board: January 1, ____.
- (12) The Board of Registered Nursing: January 1, ____.
- (13) The Board of Behavioral Sciences: January 1, ____.
- (14) The State Athletic Commission: January 1, ____.
- (15) The State Board of Guide Dogs for the Blind: January 1, ____.
- (16) The Court Reporters Board of California: January 1, ____.
- (17) The Board of Vocational Nursing and Psychiatric Technicians: January 1, ____.
- (18) The Landscape Architects Technical Committee: January 1, ____.

- 1 (19) The Board for Geologists and Geophysicists: January 1,
2 ____.
- 3 (20) The Respiratory Care Board of California: January 1, ____.
- 4 (21) The Acupuncture Board: January 1, ____.
- 5 (22) The Board of Psychology: January 1, ____.
- 6 (23) The California Board of Podiatric Medicine: January 1,
7 ____.
- 8 (24) The Physical Therapy Board of California: January 1, ____.
- 9 (25) The Physician Assistant Committee, Medical Board of
10 California: January 1, ____.
- 11 (26) The Speech-Language Pathology and Audiology Board:
12 January 1, ____.
- 13 (27) The California Board of Occupational Therapy: January
14 1, ____.
- 15 (28) The Dental Hygiene Committee of California: January 1,
16 ____.
- 17 (b) Notwithstanding any other provision of law, the term of
18 office for the bureau chief of each of the following bureaus shall
19 terminate on the date listed, unless a later enacted statute, that is
20 enacted before the date listed for that bureau, deletes or extends
21 that date:
- 22 (1) Arbitration Review Program: January 1, ____.
- 23 (2) Bureau for Private Postsecondary Education: January 1,
24 ____.
- 25 (3) Bureau of Automotive Repair: January 1, ____.
- 26 (4) Bureau of Electronic and Appliance Repair: January 1, ____.
- 27 (5) Bureau of Home Furnishings and Thermal Insulation:
28 January 1, ____.
- 29 (6) Bureau of Naturopathic Medicine: January 1, ____.
- 30 (7) Bureau of Security and Investigative Services: January 1,
31 ____.
- 32 (8) Cemetery and Funeral Bureau: January 1, ____.
- 33 (9) Hearing Aid Dispensers Bureau: January 1, ____.
- 34 (10) Professional Fiduciaries Bureau: January 1, ____.
- 35 (11) Telephone Medical Advice Services Bureau: January 1,
36 ____.
- 37 (12) Division of Investigation: January 1, ____.
- 38 (c) Notwithstanding any other provision of law, the following
39 shall be subject to review under this chapter on the following dates:
- 40 (1) Interior design certification organizations: January 1, ____.

(2) State Board of Chiropractic Examiners pursuant to Section 473.15: January 1, ____.

(3) Osteopathic Medical Board of California pursuant to Section 473.15: January 1, ____.

(4) California Tax Education Council: January 1, ____.

(d) Nothing in this section or in Section 101.1 shall be construed to preclude, prohibit, or in any manner alter the requirement of Senate confirmation of a board member, chief officer, or other appointee that is subject to confirmation by the Senate as otherwise required by law.

(e) It is not the intent of the Legislature in enacting this section to amend the initiative measure that established the State Board of Chiropractic Examiners or the Osteopathic Medical Board of California.

SEC. 8. Section 473.15 of the Business and Professions Code is amended to read:

473.15. (a) ~~The Joint Committee on Boards, Commissions, and Consumer Protection established pursuant to Section 473~~ *appropriate policy committees of the Legislature* shall review the following boards established by initiative measures, as provided in this section:

(1) The State Board of Chiropractic Examiners established by an initiative measure approved by electors November 7, 1922.

(2) The Osteopathic Medical Board of California established by an initiative measure approved June 2, 1913, and acts amendatory thereto approved by electors November 7, 1922.

(b) The Osteopathic Medical Board of California shall prepare an analysis and submit a report as described in subdivisions (a) to (e), inclusive, of Section 473.2, to the ~~Joint Committee on Boards, Commissions, and Consumer Protection~~ *appropriate policy committees of the Legislature* on or before September 1, 2010.

(c) The State Board of Chiropractic Examiners shall prepare an analysis and submit a report as described in subdivisions (a) to (e), inclusive, of Section 473.2, to the ~~Joint Committee on Boards, Commissions, and Consumer Protection~~ *appropriate policy committees of the Legislature* on or before September 1, 2011.

(d) ~~The Joint Committee on Boards, Commissions, and Consumer Protection~~ *appropriate policy committees of the Legislature* shall, during the interim recess of ~~2004~~ *2011* for the Osteopathic Medical Board of California, and during the interim

1 recess of 2011 for the State Board of Chiropractic Examiners, hold
2 public hearings to receive testimony from the Director of Consumer
3 Affairs, the board involved, the public, and the regulated industry.
4 In that hearing, each board shall be prepared to demonstrate a
5 compelling public need for the continued existence of the board
6 or regulatory program, and that its licensing function is the least
7 restrictive regulation consistent with the public health, safety, and
8 welfare.

9 ~~(e) The Joint Committee on Boards, Commissions, and~~
10 ~~Consumer Protection appropriate policy committees of the~~
11 ~~Legislature shall evaluate and make determinations pursuant to~~
12 ~~Section 473.4 and shall report its findings and recommendations~~
13 ~~to the department as provided in Section 473.5.~~

14 (f) In the exercise of its inherent power to make investigations
15 and ascertain facts to formulate public policy and determine the
16 necessity and expediency of contemplated legislation for the
17 protection of the public health, safety, and welfare, it is the intent
18 of the Legislature that the State Board of Chiropractic Examiners
19 and the Osteopathic Medical Board of California be reviewed
20 pursuant to this section.

21 (g) It is not the intent of the Legislature in ~~requiring a review~~
22 ~~under enacting~~ this section to amend the initiative measures that
23 established the State Board of Chiropractic Examiners or the
24 Osteopathic Medical Board of California.

25 SEC. 9. Section 473.16 of the Business and Professions Code
26 is repealed.

27 ~~473.16. The Joint Committee on Boards, Commissions, and~~
28 ~~Consumer Protection shall examine the composition of the Medical~~
29 ~~Board of California and its initial and biennial fees and report to~~
30 ~~the Governor and the Legislature its findings no later than July 1,~~
31 ~~2008.~~

32 SEC. 10. Section 473.2 of the Business and Professions Code
33 is amended to read:

34 473.2. (a) All boards to which this chapter applies or bureaus
35 listed in Section 473.12 shall, with the assistance of the Department
36 of Consumer Affairs, prepare an analysis and submit a report to
37 the ~~Joint Committee on Boards, Commissions, and Consumer~~
38 ~~Protection appropriate policy committees of the Legislature no~~
39 ~~later than 22 months before that board board's membership or the~~
40 ~~bureau chief's term shall become inoperative be terminated~~

1 pursuant to Section 473.12. The analysis and report shall include,
2 at a minimum, all of the following:

3 ~~(a) A comprehensive statement of the board's mission, goals,~~
4 ~~objectives and legal jurisdiction in protecting the health, safety,~~
5 ~~and welfare of the public.~~

6 ~~(b) The board's enforcement priorities, complaint and~~
7 ~~enforcement data, budget expenditures with average and~~
8 ~~median costs per case, and case aging data specific to post and~~
9 ~~preaccusation cases at the Attorney General's office.~~

10 ~~(c) The board's~~

11 *(1) The number of complaints it received per year, the number*
12 *of complaints per year that proceeded to investigation, the number*
13 *of accusations filed per year, and the number and kind of*
14 *disciplinary actions taken, including, but not limited to, interim*
15 *suspension orders, revocations, probations, and suspensions.*

16 *(2) The average amount of time per year that elapsed between*
17 *receipt of a complaint and the complaint being closed or referred*
18 *to investigation; the average amount of time per year elapsed*
19 *between the commencement of an investigation and the complaint*
20 *either being closed or an accusation being filed; the average*
21 *amount of time elapsed per year between the filing of an accusation*
22 *and a final decision, including appeals; and the average and*
23 *median costs per case.*

24 *(3) The average amount of time per year between final*
25 *disposition of a complaint and notice to the complainant.*

26 *(4) A copy of the enforcement priorities including criteria for*
27 *seeking an interim suspension order.*

28 *(5) A brief description of the board's or bureau's fund*
29 *conditions, sources of revenues, and expenditure categories for*
30 *the last four fiscal years by program component.*

31 ~~(d) The board's description of its licensing process including~~
32 ~~the time and costs~~

33 *(6) A brief description of the cost per year required to implement*
34 *and administer its licensing examination, ownership of the license*
35 *examination, the last assessment of the relevancy and validity of*
36 *the licensing examination, and the passage rate for each of the last*
37 *four years, and areas of examination.*

38 ~~(e) The board's initiation of legislative efforts, budget change~~
39 ~~proposals, and other initiatives it has taken to improve its legislative~~
40 ~~mandate.~~

1 (7) *A copy of sponsored legislation and a description of its*
2 *budget change proposals.*

3 (8) *A brief assessment of its licensing fees as to whether they*
4 *are sufficient, too high, or too low.*

5 (9) *A brief statement detailing how the board or bureau over*
6 *the prior four years has improved its enforcement, public*
7 *disclosure, accessibility to the public, including, but not limited*
8 *to, Web casts of its proceedings, and fiscal condition.*

9 (b) *If an annual report contains information that is required by*
10 *this section, a board or bureau may submit the annual report to*
11 *the committees and it shall post it on the board's or bureau's*
12 *Internet Web site.*

13 SEC. 11. Section 473.3 of the Business and Professions Code
14 is amended to read:

15 473.3. ~~(a) Prior to the termination, continuation, or~~
16 ~~reestablishment of the terms of office of the membership of any~~
17 ~~board or any of the board's functions, the Joint Committee on~~
18 ~~Boards, Commissions, and Consumer Protection shall the chief of~~
19 ~~any bureau described in Section 473.12, the appropriate policy~~
20 ~~committees of the Legislature, during the interim recess preceding~~
21 ~~the date upon which a board becomes inoperative board member's~~
22 ~~or bureau chief's term of office is to be terminated, may hold public~~
23 ~~hearings to receive and consider testimony from the Director of~~
24 ~~Consumer Affairs, the board or bureau involved, and the Attorney~~
25 ~~General, members of the public, and representatives of the~~
26 ~~regulated industry. In that hearing, each board shall have the burden~~
27 ~~of demonstrating a compelling public need for the continued~~
28 ~~existence of the board or regulatory program, and that its licensing~~
29 ~~function is the least restrictive regulation consistent with the public~~
30 ~~health, safety, and welfare regarding whether the board's or~~
31 ~~bureau's policies and practices, including enforcement, disclosure,~~
32 ~~licensing exam, and fee structure, are sufficient to protect~~
33 ~~consumers and are fair to licensees and prospective licensees,~~
34 ~~whether licensure of the profession is required to protect the public,~~
35 ~~and whether an enforcement monitor may be necessary to obtain~~
36 ~~further information on operations.~~

37 ~~(b) In addition to subdivision (a), in 2002 and every four years~~
38 ~~thereafter, the committee, in cooperation with the California~~
39 ~~Postsecondary Education Commission, shall hold a public hearing~~
40 ~~to receive testimony from the Director of Consumer Affairs, the~~

1 Bureau for Private Postsecondary and Vocational Education,
2 private postsecondary educational institutions regulated by the
3 bureau, and students of those institutions. In those hearings, the
4 bureau shall have the burden of demonstrating a compelling public
5 need for the continued existence of the bureau and its regulatory
6 program, and that its function is the least restrictive regulation
7 consistent with the public health, safety, and welfare.

8 (e) The committee, in cooperation with the California
9 Postsecondary Education Commission, shall evaluate and review
10 the effectiveness and efficiency of the Bureau for Private
11 Postsecondary and Vocational Education, based on factors and
12 minimum standards of performance that are specified in Section
13 473.4. The committee shall report its findings and
14 recommendations as specified in Section 473.5. The bureau shall
15 prepare an analysis and submit a report to the committee as
16 specified in Section 473.2.

17 (d) In addition to subdivision (a), in 2003 and every four years
18 thereafter, the committee shall hold a public hearing to receive
19 testimony from the Director of Consumer Affairs and the Bureau
20 of Automotive Repair. In those hearings, the bureau shall have the
21 burden of demonstrating a compelling public need for the continued
22 existence of the bureau and its regulatory program, and that its
23 function is the least restrictive regulation consistent with the public
24 health, safety, and welfare.

25 (e) The committee shall evaluate and review the effectiveness
26 and efficiency of the Bureau of Automotive Repair based on factors
27 and minimum standards of performance that are specified in
28 Section 473.4. The committee shall report its findings and
29 recommendations as specified in Section 473.5. The bureau shall
30 prepare an analysis and submit a report to the committee as
31 specified in Section 473.2.

32 SEC. 12. Section 473.4 of the Business and Professions Code
33 is amended to read:

34 473.4. (a) The Joint Committee on Boards, Commissions, and
35 Consumer Protection shall *appropriate policy committees of the*
36 *Legislature* may evaluate and determine whether a board or
37 regulatory program has demonstrated a public need for the
38 continued existence of the board or regulatory program and for
39 the degree of regulation the board or regulatory program

1 implements based on the following factors and minimum standards
2 of performance:

3 (1) Whether regulation by the board is necessary to protect the
4 public health, safety, and welfare.

5 (2) Whether the basis or facts that necessitated the initial
6 licensing or regulation of a practice or profession have changed.

7 (3) Whether other conditions have arisen that would warrant
8 increased, decreased, or the same degree of regulation.

9 (4) If regulation of the profession or practice is necessary,
10 whether existing statutes and regulations establish the least
11 restrictive form of regulation consistent with the public interest,
12 considering other available regulatory mechanisms, and whether
13 the board rules enhance the public interest and are within the scope
14 of legislative intent.

15 (5) Whether the board operates and enforces its regulatory
16 responsibilities in the public interest and whether its regulatory
17 mission is impeded or enhanced by existing statutes, regulations,
18 policies, practices, or any other circumstances, including budgetary,
19 resource, and personnel matters.

20 (6) Whether an analysis of board operations indicates that the
21 board performs its statutory duties efficiently and effectively.

22 (7) Whether the composition of the board adequately represents
23 the public interest and whether the board encourages public
24 participation in its decisions rather than participation only by the
25 industry and individuals it regulates.

26 (8) Whether the board and its laws or regulations stimulate or
27 restrict competition, and the extent of the economic impact the
28 board's regulatory practices have on the state's business and
29 technological growth.

30 (9) Whether complaint, investigation, powers to intervene, and
31 disciplinary procedures adequately protect the public and whether
32 final dispositions of complaints, investigations, restraining orders,
33 and disciplinary actions are in the public interest; or if it is, instead,
34 self-serving to the profession, industry or individuals being
35 regulated by the board.

36 (10) Whether the scope of practice of the regulated profession
37 or occupation contributes to the highest utilization of personnel
38 and whether entry requirements encourage affirmative action.

39 (11) Whether administrative and statutory changes are necessary
40 to improve board operations to enhance the public interest.

1 ~~(b) The Joint Committee on Boards, Commissions, and~~
2 ~~Consumer Protection shall consider alternatives to placing~~
3 ~~responsibilities and jurisdiction of the board under the Department~~
4 ~~of Consumer Affairs.~~

5 (e)

6 (b) Nothing in this section precludes any board from submitting
7 other appropriate information to the ~~Joint Committee on Boards,~~
8 ~~Commissions, and Consumer Protection.~~ *appropriate policy*
9 *committees of the Legislature.*

10 SEC. 13. Section 473.5 of the Business and Professions Code
11 is repealed.

12 ~~473.5. The Joint Committee on Boards, Commissions, and~~
13 ~~Consumer Protection shall report its findings and preliminary~~
14 ~~recommendations to the department for its review, and, within 90~~
15 ~~days of receiving the report, the department shall report its findings~~
16 ~~and recommendations to the Joint Committee on Boards,~~
17 ~~Commissions, and Consumer Protection during the next year of~~
18 ~~the regular session that follows the hearings described in Section~~
19 ~~473.3. The committee shall then meet to vote on final~~
20 ~~recommendations. A final report shall be completed by the~~
21 ~~committee and made available to the public and the Legislature.~~
22 ~~The report shall include final recommendations of the department~~
23 ~~and the committee and whether each board or function scheduled~~
24 ~~for repeal shall be terminated, continued, or reestablished, and~~
25 ~~whether its functions should be revised. If the committee or the~~
26 ~~department deems it advisable, the report may include proposed~~
27 ~~bills to carry out its recommendations.~~

28 SEC. 14. Section 473.6 of the Business and Professions Code
29 is amended to read:

30 473.6. The chairpersons of the appropriate policy committees
31 of the Legislature may refer to the ~~Joint Committee on Boards,~~
32 ~~Commissions, and Consumer Protection~~ for *interim study* review
33 of any legislative issues or proposals to create new licensure or
34 regulatory categories, change licensing requirements, modify scope
35 of practice, or create a new licensing board under the provisions
36 of this code or pursuant to Chapter 1.5 (commencing with Section
37 9148) of Part 1 of Division 2 of Title 2 of the Government Code.

38 SEC. 15. Section 473.7 is added to the Business and Professions
39 Code, to read:

1 473.7. The appropriate policy committees of the Legislature
2 may, through their oversight function, investigate the operations
3 of any entity to which this chapter applies and hold public hearings
4 on any matter subject to public hearing under Section 473.3.

5 SEC. 16. Section 9882 of the Business and Professions Code
6 is amended to read:

7 9882. (a) There is in the Department of Consumer Affairs a
8 Bureau of Automotive Repair under the supervision and control
9 of the director. The duty of enforcing and administering this chapter
10 is vested in the chief who is responsible to the director. The director
11 may adopt and enforce those rules and regulations that he or she
12 determines are reasonably necessary to carry out the purposes of
13 this chapter and declaring the policy of the bureau, including a
14 system for the issuance of citations for violations of this chapter
15 as specified in Section 125.9. These rules and regulations shall be
16 adopted pursuant to Chapter 3.5 (commencing with Section 11340)
17 of Part 1 of Division 3 of Title 2 of the Government Code.

18 (b) In 2003 and every four years thereafter, ~~the Joint Committee~~
19 ~~on Boards, Commissions, and Consumer Protection~~ *appropriate*
20 *policy committees of the Legislature* shall hold a public hearing to
21 receive *and consider* testimony from the Director of Consumer
22 Affairs ~~and, the bureau. In those hearings, the bureau shall have~~
23 ~~the burden of demonstrating a compelling public need for the~~
24 ~~continued existence of the bureau and its regulatory program, and~~
25 ~~that its function is the least restrictive regulation consistent with~~
26 ~~the public health, safety, and welfare, the Attorney General,~~
27 ~~members of the public, and representatives of this industry~~
28 ~~regarding the bureau's policies and practices as specified in~~
29 ~~Section 473.3. The committee shall~~ *appropriate policy committees*
30 ~~of the Legislature may~~ evaluate and review the effectiveness and
31 efficiency of the bureau based on factors and minimum standards
32 of performance that are specified in Section 473.4. ~~The committee~~
33 ~~shall report its findings and recommendations as specified in~~
34 ~~Section 473.5. The bureau shall prepare an analysis and submit a~~
35 ~~report to the committee~~ *appropriate policy committees of the*
36 *Legislature* as specified in Section 473.2.